

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: GAS PIPELINE AND STORAGE RULES REVISIONS; EXECUTIVE ORDERS 8 AND 9, REVISIONS TO CHAPTER 10, 12, AND 13	DOCKET NO. RMU-03-5
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ORDER COMMENCING RULE MAKING

(Issued March 13, 2003)

Pursuant to the authority of Iowa Code §§ 476.1, 476.2, 479.1, 479.6, 479.17, 479A.1, 479A.10, 479B.1, 479B.5, 479B.14, and 17A.4, the Utilities Board (Board) proposes to adopt the amendments attached hereto and incorporated herein by reference in this order. On September 14, 1999, Governor Vilsack issued Executive Orders 8 and 9 to begin a comprehensive review process of all agency rules using the criteria of need, clarity, intent, statutory authority, cost, fairness, and whether the rules are consistent with the principles contained in Executive Order 9. The Board was also required to review any rules routinely waived by the Board and to determine if the rule can be redrafted so routine waivers are not necessary.

In response to the executive orders, the Board, on February 23, 2000, issued an "Order Regarding Plan for Regulatory Review" in which the Board assigned various chapters of its rules to Board staff teams. One of the teams reviewed 199 IAC chapter 10, 12, and 13, issued a report, and requested comments from interested persons.

Responses were received from the Iowa Association of Electrical Cooperatives, the Iowa Association of Municipal Utilities, MidAmerican Energy Company, the Consumer Advocate Division of the Department of Justice (Consumer Advocate), Alliant Energy Corporation, and the Iowa Telecommunications Association.

Revisions were made based on the responses and those revisions were submitted to the Governor's office. The Governor has completed his review and the Board is opening this rule making, Docket No. RMU-03-5, for public comment on the revisions proposed in response to the Executive Orders.

1. Amend titles of chapter 10 and 13

The current 199 IAC chapter 10 applies to pipeline permit proceedings for intrastate gas and hazardous liquid pipelines, while 199 IAC chapter 13 applies to pipeline permit proceedings for interstate hazardous liquid pipelines. The inclusion of intrastate liquid pipelines in 199 IAC chapter 10 presumes that Iowa has safety authority over intrastate liquid pipelines. However, a state cannot exercise safety authority over intrastate pipelines unless it has been certified by the U.S. Department of Transportation under 49 U.S.C. Chapter 601. Iowa has such certification for intrastate natural gas pipelines, but not for hazardous liquid pipelines. Iowa briefly held such certification in the early 1990's, but withdrew after it became apparent that under federal regulations there were virtually no intrastate hazardous liquid pipelines in Iowa.

At present there are less than 15 miles of hazardous liquid pipelines in Iowa that appear to be intrastate. The Board is removing the reference to hazardous liquid pipelines from chapter 10 and with this reference removed, there is no difference in the process for interstate and intrastate hazardous liquid pipelines. It is then appropriate that rules concerning both types of pipelines be in chapter 13. The Board is proposing to amend the titles of chapter 10 and 13 to reflect removal of the reference to hazardous liquid pipelines from chapter 10.

2. Adoption of authority statements in chapters 10, 12, and 13

The Board proposes to adopt new subrules 10.1(1), 10.1(2), 10.1(3), 12.1(1), 12.1(2), 12.1(3), 13.1(1), 13.1(2), and 13.1(3) to include statements of authority and purpose consistent with most other chapters of Board rules.

3. Amend subrules concerning permissive deviation from a pipeline route.

Deviation from the pipeline route is currently allowed up to 160 rods (one-half mile). The Board is proposing to reduce this deviation to 660 feet (one-eighth mile). The deviations are found in 10.2(1)"a," 10.7, 10.9(1)"c"(1), 10.18(1)"b," 13.2(1)"a," 13.7, 13.9(1)"c"(1), and 13.18(1)"b." The 160-rod (one-half mile) permissive deviation from a pipeline route allows construction anywhere within a one-mile wide corridor. The standards for when pipeline relocation requires Board consideration are also based on this allowance.

The exact location of a pipeline is often a major concern of landowners and other affected interests and the applicability of certain pipeline safety standards may depend on the route's proximity to buildings or other features. The origin and

purpose of the 160-rod deviation is unknown, and the Board can find no statutory basis for that particular distance.

There is some question whether any significant deviation from a route approved by the Board should be allowed. Electric franchises contain no allowance for construction deviation, except for relocations required by highway authorities under Iowa Code chapter 319. However, pipeline routes are more easily relocated and the Board has determined that minor route changes due to unexpected construction conditions or at landowner request should be allowed. The Board considers a deviation of 660 feet (one-eighth mile) to be reasonable.

Relocation of a pipeline route may also require an amendment of the easement by the landowner and a deviation cannot be made where the relocation will affect a landowner who was not notified of the informational meeting. Relocations of greater than 660 feet would require a new permit or waiver of the limitation by the Board.

4. Extensions limited to be consistent with reduced deviation from approved route.

Paragraphs 10.9(1)"b" and 10.18(1)"f" both address how far the length of an existing pipeline can be extended before an amendment to permit is required. The current standard is 160 rods. That length was selected to be consistent with other allowable relocation limits in these rules. The Board is proposing to reduce this requirement to 660 feet to maintain consistency.

5. Amend 10.2(1)"b" and 13.2(1)

Rules 199 IAC 10.2(1)"b" and 13.2(1) list the map features to be shown on the Exhibit B maps filed with petitions for pipeline permit. The Board considers the requirements to include section numbers on these maps, but that requirement is not specifically stated. The Board proposes to amend subparagraphs 10.2(1)"b"(2) and 13.2(1)"b"(2) to clarify that section numbers are to be shown on maps filed with petitions for pipeline permit.

6. Amend subrules 10.4(1) and 13.4(1) and rules 10.8 and 13.8

Operators of pipelines have long complained that the Board's procedures for renewal of existing pipeline permits are needlessly burdensome and expensive. In particular, they have questioned the value of holding a hearing when the petition for renewal is uncontested, as the vast majority are. The Board has concluded that Iowa Code chapters 479 and 479B do not mandate a hearing on renewal petitions. In comparable proceedings for extension of electric franchises, a hearing is not required if the petition is uncontested following publication of a public notice. See Iowa Code chapter 478 and 199 IAC chapter 11.

The history of pipeline permit renewals has been that there are no parties other than Consumer Advocate and the petitioner. Consumer Advocate has seldom raised any issues with the renewals. The Board has found only one instance when a landowner appeared at a renewal hearing. A mandatory hearing for uncontested petitions for renewal of pipeline permit appears unnecessary. The rights of potentially interested parties can be protected by providing an opportunity for

objection and hearing similar to the existing process for extension of electric franchise. The Board, therefore, is proposing to amend 199 IAC chapters 10 and 13 to eliminate the hearing requirement for uncontested petitions for renewal of pipeline permit.

For pipeline permits, Board subrules 10.4(1) and 13.4(1) require that proof of publication and receipts showing payment of publication costs be filed prior to or at the hearing on the petition. Iowa Code §§ 479.13 and 479B.10 require that the petitioner pay the cost of publishing the notice of hearing, but neither law requires proof of payment as a precedent for the granting of a pipeline permit. The Board has tentatively determined that requiring proof of payment is an unnecessary burden on participants that can be eliminated and proposes to modify subrules 10.4(1) and 13.4(1) accordingly.

7. Amend rules 12.7 and 13.12

Rules 12.7 and 13.12 contain cross-references to the land restoration rules in 199 IAC chapter 9, including the title of that chapter. A new chapter title was adopted in Docket No. RMU-99-10, but 199 IAC chapters 12 and 13 were not amended to reflect the new title. The Board proposes to amend rules 12.7 and 13.2 to correct this oversight.

8. Amend 10.9(1) and 13.9(1)"c"(2)

The second sentence of subparagraphs 10.9(1)"c"(2) and 13.9(1)"c"(2) could be misinterpreted to mean that an informational meeting is required for all

relocations. The Board proposes to clarify the rule by rewording the requirement to state “held for these relocations.”

9. Rescind paragraph 10.12(1)"e"

In Docket No. RMU-02-1, “Update of Gas and Electric Safety Standards,” the Board updated the pipeline standards incorporated by reference in 199—10.12(479), “Standards for construction, operation and maintenance,” including removal of standards for hazardous liquid pipelines. However, paragraph 10.12(1)"e" continues to reference ASME B31.11 - 1989, “Slurry Transportation Piping Systems.” The Board is proposing that slurry pipelines be regulated as a hazardous liquid pipeline under chapter 13 instead of chapter 10. Because the Board does not have safety jurisdiction over hazardous liquid pipelines lines, engineering standards should not be adopted in chapter 13. In any event, this standard was added to the Board rules at a time when coal slurry (powdered coal mixed with water) pipelines were being proposed as an alternative to railroad transport. None were built and none are currently being discussed. It appears this standard should be deleted from Board rules.

10. Rescind rules 10.20 and 13.20

The provisions of 199 IAC 10.20 and 13.20 for exceptions or departures from the rules appear to be in conflict with Board rule 1.3 for waivers. The provisions for amendments appear to be unnecessary and perhaps duplicative of other Board rules. These two sections appear to be outdated and unnecessary and should be deleted.

IT IS THEREFORE ORDERED:

1. A rule making proceeding identified as Docket No. RMU-03-5 is commenced for the purpose of receiving comments on the proposed rules in the notice attached hereto and incorporated herein by reference in this order.

2 The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 13th day of March, 2003.

UTILITIES DIVISION [199]

Notice of Intended Action

Pursuant to Iowa Code sections 476.1, 476.2, 479.1, 479.5, 479.6, 479.17, 479A.1, 479A.10, 479B.1, 479B.5, 479B.14, and 17A.4, the Utilities Board (Board) gives notice that on March 13, 2003, the Board issued an order in Docket No. RMU-03-5, In re: Gas Pipeline and Storage Rules Revisions; Executive Orders No. 8 and 9, Required Revisions to Chapters 10, 12, and 13, "Order Commencing Rule Making." The rule making results from the Board's review of its rules in response to Executive Orders Numbers 8 and 9 issued by Governor Vilsack on September 14, 1999. The Board, on February 23, 2000, issued an order directing Board staff to conduct a review of the Board's administrative rules. Staff reviewed 199 IAC chapters 10, 12, and 13 and sent proposed revisions to interested parties.

Responses were received from Alliant Energy Corporation, the Iowa Association of Electrical Cooperatives, the Iowa Association of Municipal Utilities, MidAmerican Energy Company, the Consumer Advocate Division of the Department of Justice, and the Iowa Telecommunications Association.

Revisions were made based upon the comments and were submitted to the Governor's office. The Governor has completed his review and the Board is commencing this rule making to receive public comment on proposed revisions to chapters 10, 12, and 13.

The order commencing the rule making contains a discussion of the background and reasons for this proposed rule making. The order is available on the Board's Web site at www.state.ia.us/iub.

Pursuant to Iowa Code sections 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before May 1, 2003, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

No oral presentation is scheduled at this time. Pursuant to Iowa Code section 17A.4(1)"b," an oral presentation may be requested or the Board on its own motion after reviewing the comments may determine that an oral presentation should be scheduled.

These amendments are intended to implement Iowa Code sections 476.1, 476.2, 479.1, 479.5, 479.6, 479.17, 479A.1, 479A.10, 479B.1, 479B.5, 479B.14, and 17A.4.

The following amendments are proposed.

Item 1. Amend the title to 199—Chapter 10 as follows:

CHAPTER 10
INTRASTATE GAS AND ~~HAZARDOUS LIQUID PIPELINES AND UNDERGROUND~~
GAS STORAGE

Item 2. Amend rule 199—10.1(479) by adopting **new** subrules **10.1(1)** and **10.1(2)**, renumbering the definitions as subrule **10.1(3)**, and deleting the subrule numbers 10.1(4) through 10.1(10) from the terms defined, as follows:

199—10.1(479) General information.

10.1(1) Authority. The standards relating to intrastate gas and underground gas storage in this chapter are prescribed by the Iowa utilities board (board) pursuant to Iowa Code section 479.17.

10.1(2) Purpose. The purpose of this chapter is to establish standards for a petition for a permit to construct, maintain, and operate an intrastate gas pipeline or lines and for the underground storage of gas. In addition, the rules in this chapter set forth safety standards for the construction, maintenance, and condition of pipelines, underground storage facilities, and equipment used in connection with pipelines and facilities.

10.1(3) Definitions. Technical terms ~~Terms not otherwise herein defined in this chapter~~ shall be as defined in the appropriate standard adopted in rule 10.12(479) ~~understood to have their usual meaning.~~ For the administration and interpretation of this chapter, the following words and terms, when used in these rules, shall have the meanings indicated below:

“Approximate right angle” shall mean within 5 degrees of a 90 degree angle.

“Board” means the utilities board within the utilities division of the department of commerce.

“Multiple line crossing” shall mean a point at which a proposed pipeline will either overcross or undercross an existing pipeline.

“Permit” shall mean a new, amended, or renewal permit issued after appropriate application to and determination by the board.

“Pipeline” shall mean any pipe, pipes, or pipelines used for the intrastate transportation or transmission of natural or other gasses.

“Pipeline company” shall mean any person, firm, co-partnership, association, corporation, or syndicate engaged in or organized for the purpose of owning, operating, or controlling pipelines for the intrastate transportation or transmission of any solid, liquid, or gaseous substance, except water.

“Renewal permit” shall mean the extension and reissuance of a permit after appropriate application to and determination by this board.

“Underground storage” shall mean storage of gas in a subsurface stratum or formation of the earth.

Terms not defined. Technical terms not defined shall be as defined in the appropriate standard adopted in rule 199—10.12(479).

Item 3. Amend subrule **199—10.2(1)** as follows:

10.2(1) A petition for a permit shall be made to the board upon the form prescribed and shall include all required exhibits. The petition shall be considered as filed upon receipt at the office of the board. An original and ~~one copy~~ two copies of the exhibits shall be filed. Required exhibits shall be in the following form:

a. Exhibit “A.” A legal description showing, at minimum, the general direction of the proposed route through each quarter section of land to be crossed, including

township and range and whether on private or public property, public highway or railroad right-of-way, together with such other information as may be deemed pertinent. Construction deviation of ~~160 rods (one-half mile)~~ 660 feet (one-eighth mile) from proposed routing will be permitted.

If it becomes apparent that there will be deviation of greater than 160 rods (one-half mile) in some area from the proposed route as filed with ~~this~~ the board, construction of ~~such~~ the line in ~~such~~ that area shall be suspended. Exhibits A, B, E, and F reflecting ~~such~~ the deviation shall be filed, and the procedures hereinafter set forth to be followed upon the filing of a petition for permit shall be followed.

b. Exhibit "B." Maps showing the proposed routing of the pipeline. Strip maps will be acceptable. Two copies of such maps shall be filed. The maps may be to any scale appropriate for the level of detail to be shown, but not smaller than one inch to the mile. The following minimum information shall be provided:

(1) The route of the pipeline which is the subject of the petition, including the starting and ending points, and when paralleling a road or railroad, which side it is on. Multiple pipelines on the same right-of-way shall be indicated.

(2) The name of the county, county and section lines, and section, township and range numbers.

(3) to (5) No change.

c.-k. No change.

Item 4. Amend subrule **199—10.4(1)** as follows:

10.4(1) When a proper petition for permit is received by the board, it shall be docketed for hearing and the petitioner shall be advised of the time and place of

hearing, except as provided for in rule 199—10.8. Petitioner shall also be furnished copies of the official notice of hearing which petitioner shall cause to be published once each week for two consecutive weeks in some newspaper of general circulation in each county in or through which construction is proposed. The second publication shall be not less than 10 nor more than 30 days prior to the date of the hearing. Proof of such publication shall be filed prior to or at ~~such~~ the hearing, ~~together with receipts showing that the costs of such publication have been paid by the petitioner.~~

The published notice shall include a map showing either the pipeline route or the area affected by underground gas storage, or a telephone number and an address through which interested persons can obtain a copy of a map from petitioner at no charge. If a map other than that filed as Exhibit B will be published or provided, a copy shall be filed with the petition.

Item 5. Amend rule **199—10.7(479)** as follows:

199—10.7(479) Pipeline permit. If after hearing and appropriate findings of fact it is determined a permit should be granted, a pipeline permit ~~will~~ shall be issued.

Otherwise ~~such~~ the petition shall be dismissed with or without prejudice. Where proposed construction has not been established definitely, the permit will be issued on the route or location as set forth in the petition, subject to deviation of up to ~~460 rods (one-half mile)~~ 660 feet (one-eighth mile) on either side of the proposed route. If the proposed construction is not completed within two years from the date of issue, subject to extension at the discretion of ~~this~~ the board, the permit shall be void and

of no further force or effect. Upon completion of the proposed construction, maps accurately showing the final routing of the pipeline shall be filed with the board.

A pipeline permit shall normally expire 25 years from date of issue. No ~~such~~ permit shall ever be granted for a longer period than 25 years.

Item 6. Amend rule **199—10.8(479)** as follows:

199—10.8(479) Renewal permits. ~~A~~ ~~Petition~~ petition for renewal of an original or previously renewed pipeline permit may be filed at any time subsequent to issuance of the permit and prior to the expiration of the permit thereof. ~~Such~~ The petition shall be made on the form prescribed by the ~~this~~ board. Instructions for the ~~use thereof~~ petition are included as a part of ~~such~~ the form. The procedure for petition for permit shall be followed with respect to publication of notice, objections, ~~hearing~~, and assessment of costs. If review of the petition finds unresolved issues of fact or law, or if an objection is filed within 20 days of the second publication of the published notice, the matter will be set for hearing. If a hearing is not required, a renewal permit will be issued upon the filing of the proof of publication required by 199 IAC 10.4. Renewal permits shall normally expire 25 years from date of issue. No permit shall be granted for a period longer than 25 years. The same procedure shall be followed for subsequent renewals.

This rule is intended to implement Iowa Code sections 476.2 and 479.23.

Item 7. Amend subrule **199—10.9(1)** as follows:

10.9(1) An amendment of pipeline permit by the board is required in any of the following circumstances:

- a. No change.

b. Extension of an existing pipeline of petitioner by more than ~~160 rods (one-half mile)~~ 660 feet (one-eighth mile);

c. Relocation of an existing pipeline of petitioner which:

(1) Relocates the pipeline more than ~~160 rods (one-half mile)~~ 660 feet (one-eighth mile) from the route approved by the board; or

(2) Involves relocation requiring new or additional interests in property for five miles or more of pipe to be operated at over 150 psig. Informational meetings as provided for by rule 199—10.3(479) shall be held for these relocations.

d. and e. No change.

Item 8. Rescind paragraph 199—10.12(1)"e" and renumber subparagraph "f" as follows:

~~e. ASME B31.11-1989, "Slurry Transportation Piping Systems."~~

f. 199 IAC 9, "Restoration of Agricultural Lands During and After Pipeline Construction."

Conflicts between the standards established in ~~the above~~ paragraphs 10.12(1)"a" through "e" or between the requirements of ~~this rule~~ 199—10.12 and other requirements which are shown to exist by appropriate written documentation filed with the board shall be resolved by the board.

Item 9. Amend paragraph 199—10.18(1)"b" as follows:

b. Relocation of more than 300 feet from the original alignment, or any relocation that would bring the pipeline within 300 feet of an occupied residence. Relocations of ~~160 rods (one-half mile)~~ 660 feet (one-eighth mile) or more shall require the filing of a petition for permit.

Item 10. Amend paragraph 199—10.18(1)"f" as follows:

f. Extensions of existing pipelines by ~~160 rods (one-half mile)~~ 660 feet (one-eighth mile) or less.

Item 11. Rescind rule 199—10.20(479).

~~**199—10.20(479) Amendments to rules.** These rules are subject to such amendments or exceptions as this board may deem advisable. Parties desiring to depart from these rules may make written requests to this board, whereupon appropriate action will be taken. Amendments hereto shall apply only to permits issued after the effective date of such amendments.~~

Item 12. Amend rule **199—12.1(479A)** by adopting new subrules **12.1(1)** and **12.1(2)** and moving the definitions to a new subrule **12.1(3)** as follows:

199—12.1(479A) General information.

12.1(1) Authority. The standards relating to interstate natural gas pipelines and underground storage in this chapter are prescribed by the Iowa utilities board pursuant to Iowa Code section 479A.1.

12.1(2) Purpose. The purpose of this chapter is to establish standards regarding the transportation of natural gas to protect landowners and tenants from environmental or economic damages resulting from the construction, operation, or maintenance of pipelines.

12.1(3) Definitions. Terms not otherwise defined in this chapter shall be understood to have their usual meaning. Technical terms not defined shall be as defined by the U.S. Department of Transportation, Office of Pipeline Safety. For the

administration and interpretation of this chapter, the following words and terms, when used in these rules, shall have the meanings indicated below:

“Board” means the utilities board within the utilities division of the department of commerce.

“Construction” shall mean the placement or replacement of pipe in the earth, excluding maintenance, repair, or emergency work affecting only short sections of a company’s pipeline facilities.

“Pipeline” shall mean any pipe, pipes, or pipelines and appurtenances thereto used in interstate commerce within or through this state.

“Pipeline company” shall mean a person engaged in or organized for the purpose of owning, operating, or controlling pipelines used for the interstate transportation of natural gas.

“Underground storage” shall mean the storage of natural gas in a subsurface stratum or formation of the earth by a pipeline company engaged in interstate commerce.

Item 13. Amend rule **199—12.7(479A)** as follows:

199—12.7(479A) Land restoration. Pipelines shall be constructed in compliance with 199 IAC chapter 9 (479, 479A, 479B), ~~“Protection of Underground Improvements and Soil Conservation Structures and Restoration of Agricultural Lands After Pipeline Construction~~ Restoration of Agricultural Lands During and After Pipeline Construction.”

These rules are intended to implement Iowa Code chapter 479A.

Item 14. Amend the title to 199—chapter 13 as follows:

CHAPTER 13
INTERSTATE HAZARDOUS LIQUID PIPELINES AND UNDERGROUND
STORAGE

Item 15. Amend rule **199—13.1(479B)** by adopting new subrules **13.1(1)** and **13.1(2)**, and moving the definitions to a new subrule **13.1(3)** as follows:

199—13.1(479B) General information.

13.1(1) Authority. The standards relating to hazardous liquid pipelines and underground storage in this chapter are prescribed by the Iowa utilities board pursuant to Iowa Code section 479B.1.

13.1(2) Purpose. The purpose of this chapter is to establish standards for a petition for a permit to construct, maintain, and operate a hazardous liquid pipeline or lines and for the underground storage of hazardous liquids.

13.1(3) Definitions. Words and terms not otherwise defined in this chapter shall be understood to have their usual meaning. For the administration and interpretation of this chapter, the following words, and terms, when used in these rules, shall have the meanings indicated below:

“Approximate right angle” means within 5 degrees of a 90 degree angle.

“Board” means the utilities board within the utilities division of the department of commerce.

“Hazardous liquid” means crude oil, refined petroleum products, liquefied petroleum gases, anhydrous ammonia, liquid fertilizers, liquefied carbon dioxide, alcohols, and coal slurries.

“Multiple line crossing” means a point at which a proposed pipeline will either cross over or under an existing pipeline.

“Permit” means a new, amended, or extended permit issued after appropriate application to and determination by the board.

“Pipeline” means any pipe or pipeline and necessary appurtenances used for the transportation or transmission of any hazardous liquid.

“Pipeline company” means any person, firm, co-partnership, association, corporation, or syndicate engaged in or organized for the purpose of owning, operating, or controlling pipelines for the transportation or transmission of any hazardous liquid or underground storage facilities for the under-ground storage of any hazardous liquid.

“Renewal permit” means the extension and reissuance of a permit after appropriate application to and determination by the board.

“Underground storage” means storage of hazardous liquid in a subsurface stratum or formation of the earth.

Item 16. Amend subrule **199—13.2(1)** as follows:

13.2(1) A petition for a permit shall be made to the board upon the form prescribed and shall include all required exhibits. The petition shall be considered as filed upon receipt at the office of the board. An original and two copies of the petition and exhibits shall be filed. Required exhibits shall be in the following form:

a. Exhibit "A." A legal description showing, at minimum, the general direction of the proposed route through each quarter section of land to be crossed, including township and range and whether on private or public property, public highway or railroad right-of-way, together with other information as may be deemed pertinent.

Construction deviation of ~~460 rods (one-half mile)~~ 660 feet (one-eighth mile) from proposed routing will be permitted.

If it becomes apparent there will be a deviation of greater than ~~460 rods (one-half mile)~~ 660 feet (one-eighth mile) in some area from the proposed route as filed with the board, construction of the line in the area shall be suspended. Exhibits A, B, E, and F reflecting the deviation shall be filed, and the procedure set forth shall be followed upon the filing of a petition for amendment of a permit.

b. Exhibit "B." Maps showing the proposed routing of the pipeline. Strip maps will be acceptable. Two copies of the maps ~~will~~ shall be filed. The maps may be to any scale appropriate for the level of detail to be shown, but not smaller than one inch to the mile. The following minimum information shall be provided:

(1) No change.

(2) The name of the county, county and section lines, and section, township and range numbers.

(3)-(5) No change.

c.-k. No change.

Item 17. Amend subrule **199—13.4(1)** as follows:

13.4(1) When a proper petition for permit is received by the board, it shall be docketed for hearing and the petitioner shall be advised of the time and place of hearing, except as provided for in rule 13.8. Petitioner shall also be furnished copies of the official notice of hearing which petitioner shall cause to be published once each week for two consecutive weeks in a newspaper of general circulation in each county in or through which construction is proposed. The second publication shall

be not less than 10 nor more than 30 days prior to the date of the hearing. Proof of publication shall be filed prior to or at the hearing, ~~together with receipts showing that the costs of publication have been paid by the petitioner.~~

The published notice shall include a map showing either the pipeline route or the area affected by underground gas storage, or a telephone number and an address through which interested persons can obtain a copy of a map from petitioner at no charge. If a map other than that filed as Exhibit B will be published or provide, a copy shall be filed with the petition.

Item 18. Amend rule **199—13.7(479B)** as follows:

199—13.7(479B) Pipeline permit. If after hearing and appropriate findings of fact it is determined a permit should be granted, a permit will be issued. Otherwise, the petition shall be dismissed with or without prejudice. Where proposed construction has not been established definitely, the permit will be issued on the route or location as set forth in the petition, subject to deviation of up of up to ~~160 rods (one-half mile)~~ 660 feet (one-eighth mile) on either side of the proposed route. If the proposed construction is not completed within two years from the date of issue, subject to extension at the discretion of the board, the permit shall be void and of no further force or effect. Upon completion of the proposed construction, maps accurately showing the final routing of the pipeline shall be filed with the board.

A permit shall normally expire 25 years from date of issue. No permit shall be granted for a period longer than 25 years.

Item 19. Amend rule **199—13.8(479B)** as follows:

199—13.8(479B) Renewal permits. ~~A Petition~~ petition for renewal of permit may be filed at any time subsequent to issuance of a permit and prior to expiration. The petition shall be made on the form prescribed by the board. Instructions for the use ~~thereof~~ are included as a part of the form. The procedure for petition for permit shall be followed with respect to publication of notice, objections, ~~hearing~~, and assessment of costs. If review of the petition finds unresolved issues of fact or law, or if an objection is filed within 20 days of the second publication of the published notice, the matter will be set for hearing. If a hearing is not required, a renewal permit will be issued upon the filing of the proof of publication required by 199 IAC 13.4(1). Renewal permits shall normally expire 25 years from date of issue. No permit shall be granted for a period longer than 25 years. The same procedure shall be followed for subsequent renewals.

This rule is intended to implement Iowa Code sections 476.2 and 479B.14.

Item 20. Amend subrule **199—13.9(1)** as follows:

13.9(1) An amendment of pipeline permit by the board is required in any of the following circumstances:

- a. No change.
- b. Extension of an existing pipeline of petitioner by more than ~~160 rods (one-half mile)~~ 660 feet (one-eighth mile);
- c. Relocation of an existing pipeline of petitioner which:
 - (1) Relocates the pipeline more than ~~160 rods (one-half mile)~~ 660 feet (one-eighth mile) from the route approved by the board; or

(2) Involves relocation requiring new or additional interests in property for five miles or more of pipe to be operated at over 150 psig. Informational meetings as provided for by rule 13.3(479B) shall be held for these relocations.

d. and e. No change.

Item 21. Amend rule **199—13.12(479B)** as follows:

199—13.12(479A) Land restoration. Pipelines shall be constructed in compliance with 199 IAC chapter 9, "Protection of Underground Improvements and Soil Conservation Structures and Restoration of Agricultural Lands After Pipeline Construction" Restoration of Agricultural Lands During and After Pipeline Construction."

Item 22. Amend paragraph 199—13.18(1)"b" as follows:

b. Relocation of more than 300 feet from the original alignment, or any relocation that would bring the pipeline to within 300 feet of an occupied residence. Relocations of ~~160 rods (one-half mile)~~ 660 feet (one-eighth mile) or more shall require the filing of a petition for amendment of a permit.

Item 23. Amend paragraph 199—13.18(1)"e" as follows:

e. Extensions of existing pipelines by ~~160 rods (one-half mile)~~ 660 feet (one-eighth mile) or less.

Item 24. Rescind rule 199—13.20(479B).

~~199—13.20(479B) Amendments to rules.~~ ~~These rules are subject to such amendments or exceptions as the board may deem advisable. Parties desiring to depart from these rules may make written requests to the board, whereupon~~

~~appropriate action will be taken. Amendments shall apply only to permits issued
after the effective date of such amendments.~~

March 13, 2003

/s/ Diane Munns
Diane Munns
Chairman